

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT RICHARD PRICE,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-0731 DAD AC P

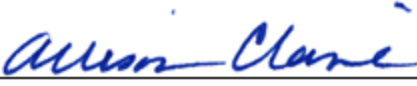
ORDER

Petitioner is a county prisoner proceeding pro se in this action. By order filed April 24, 2023, petitioner was ordered to submit a fully complete application to proceed in forma pauperis. ECF No. 5. Because it was not clear whether petitioner was attempting to bring a habeas petition or a civil rights action, he was also directed to file an amended petition or civil rights complaint on the proper form. Id. at 2. The court subsequently received petitioner's notice stating that he wanted to "dismiss all current U.S. District Court cases that [were] filed against the warden of the RCCC." ECF No. 8. A few days later, the court received petitioner's application to proceed in forma pauperis, which is dated after the notice requesting dismissal. ECF No. 9.

Since petitioner's later dated application to proceed in forma pauperis indicates an intention to continue pursuing this case, he will be required to verify that he is seeking to dismiss this case by completing and returning the attached form. If petitioner intends to proceed with this case, he remains obligated to file an amended petition or civil rights complaint in compliance with the April 24, 2023 order.

1 Accordingly, IT IS HEREBY ORDERED that within fourteen days of the service of this  
2 order, petitioner shall complete and return the attached form clarifying for the court whether he  
3 wants to voluntarily dismiss this action. If petitioner does not return the form, the court will  
4 assume that he intends to continue pursuing this case.

5 DATED: May 3, 2023

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7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE  
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PETITIONER'S NOTICE RE: VOLUNTARY  
DISMISSAL

Check one:

☐ Petitioner wants to voluntary dismiss this case without prejudice pursuant to Federal Rule  
of Civil Procedure 41(a).

☐ Petitioner wants to proceed with the case.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Scott Richard Price  
Plaintiff pro se